

MARSHALL & WINSTON, INC.

IBLA 76-500

Decided June 14, 1976

Appeal from decision of the Colorado State Office, Bureau of Land Management, vacating the simultaneous drawing for oil and gas lease C-23445 and ordering a new drawing.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

When the Bureau of Land Management discovers that an entry card was erroneously omitted from a simultaneous drawing for an oil and gas lease, the drawing is void and a new drawing, with all cards included, must be held.

APPEARANCES: Charles C. Aldridge, Esq., Lynch, Chappell, Allday & Aldridge, Midland, Texas, for appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

A simultaneous oil and gas lease drawing was held on December 30, 1975, for parcel 150 by the Colorado State Office, Bureau of Land Management (BLM). The entry card of Marshall & Winston, Inc., was drawn first for oil and gas lease C-23445. On January 23, 1976, the BLM State Office issued a decision vacating the drawing for parcel 150, and ordering a new one, because an entry card for that parcel had been erroneously omitted. At the second drawing, held on January 30, 1976, the entry card of Fred D. Volz was drawn first and he subsequently submitted advance rental for oil and gas lease C-23492. Marshall & Winston, Inc., then filed this appeal of the decision vacating the first drawing.

In its statement of reasons, appellant merely asserts that it is qualified to hold an oil and gas lease and should have been issued one following the first drawing. It alleges no errors in the decision of the BLM State Office vacating the first drawing.

[1] The purpose of the simultaneous drawing procedure for oil and gas leases is to determine priority of offers from among the applicants submitting entry cards in accordance with the appropriate notice. 43 CFR 3110.1-6(b). It has long been Departmental policy that all timely-filed entry cards must be included in the drawing. If BLM discovers that an entry card was erroneously omitted from a simultaneous drawing for an oil and gas lease, the drawing is void and a new drawing, with all cards included, must be held. E.g., Herman A. Keller, 14 IBLA 188, 190-92, 81 I.D. 26, 27-28 (1974); Craig Martin, 6 IBLA 37 (1972); R. E. Puckett, A-30419 (October 29, 1965); cf. John H. Anderson, 67 I.D. 209 (1960). Therefore, it was proper for the BLM State Office to vacate the December 30 drawing for parcel 150 upon discovering that an entry card had been omitted and then to order a new drawing with all entry cards included.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joan B. Thompson

Administrative Judge

We concur:

Martin Ritvo
Administrative Judge

Douglas E. Henriques
Administrative Judge

